

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OUR CHILDREN'S EARTH FOUNDATION,
et al.,

Plaintiffs,

No. C 04-2132 PJH

v.

ORDER DENYING PLAINTIFFS' MOTION TO TRANSFER

**U.S. ENVIRONMENTAL PROTECTION
AGENCY, et al.,**

Defendants.

Before this court is plaintiffs' motion to transfer certain claims to the Ninth Circuit.

15 Having carefully read the parties' papers and considered the relevant legal authority, the court
16 DENIES the motion.¹

17 Plaintiffs filed a notice of appeal in this case on June 24, 2005. The filing of a notice of
18 appeal completely divests this court of jurisdiction over this matter. See, e.g., Griggs v.
19 Provident Consumer Discount Co., 459 U.S. 56, 58 (1982); Natural Resources Defense
20 Council, Inc. v. Southwest Marine, Inc., 242 F.3d 1163, 1166 (9th Cir. 2001).

IT IS SO ORDERED.

22 || Dated: August 15, 2005

PHYLLIS J. HAMILTON
United States District Judge

26 ¹ The court finds this motion appropriate for decision without oral argument as
27 permitted by Civil L.R. 7-1(b) and Fed. R. Civ. P. 78. See also Lake at Las Vegas Investors
28 Group, Inc. v. Pacific Malibu Dev. Corp., 933 F.2d 724, 729 (9th Cir. 1991) (holding that the
court's consideration of the moving and opposition papers is deemed an adequate substitute for
a formal hearing), cert. denied, 503 U.S. 920 (1992). Accordingly, the August 17, 2005 hearing
date is hereby VACATED.